

AMENDMENTS TO THE DRAWINGS

A replacement sheet containing FIGURE 2 has been provided for Examiner's review and approval. The replacement sheet is provided on separate paper attached hereto and is identified in the top margin with the text "Replacement Sheet."

REMARKS

Claims 1-33 are pending in the application. In a final Office Action mailed December 16, 2004, the drawings were objected to for a typographical error present in FIGURE 2 with regard to the reference numerals. Claims 9, 12, 25, and 31 were rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3, 12, 24, 28, and 30 were rejected under 35 U.S.C. § 102(b). Claims 10, 11, 29, 32, and 33 were rejected under 35 U.S.C. § 103(a). Claims 2, 4-8, 13, 26, and 27 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9, 25, and 31 were indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claims 14-23 were indicated as being allowed.

Claims 1, 9, 12, 24, 25, 31 have been amended as indicated above to clarify the invention. Claims 4 and 27 have been canceled and Claims 34-36 have been added by way of this amendment and response. Amended FIGURE 2 has been provided for Examiner's review and approval. In view of the foregoing amendments and remarks that follow, applicant respectfully submits that the application is in condition for allowance.

Objection to the Drawings

The drawings were objected to because there are two occurrences of reference numeral "124" in FIGURE 2. The Examiner requested that the left occurrence of "124" be replaced with reference numeral "126." Applicant thanks Examiner for his careful review of the application. FIGURE 2 has been amended to include the reference numeral 126 as requested. Applicant attaches on separate paper identified in the top margin with the text "Replacement Sheet" containing FIGURE 2 for the Examiner's review and approval. Therefore, applicant respectfully requests the objection to the drawings be withdrawn.

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Claim Rejections Under 35 U.S.C. § 112

Claims 9, 12, 25, and 31 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office Action stated that:

... the scope of the preamble and the body are different. The preamble, of claims 9, 12, 25, and 31, discloses a 'sandpaper dispenser' however the body positively claims the first sanding pad. From [] claim 1 it is clear that the first pad is on the sander. Positively claiming the first pad makes these claims indefinite because it is unclear if the sandpaper dispenser incorporates this first sanding pad.

Applicant has amended Claims 9, 12, 25, and 31 to more clearly indicate that the first sanding pad is not a positively recited element of the claims. Moreover, applicant has amended these claims to more particularly point out that the claimed invention is a sandpaper dispenser, and not a sandpaper dispenser in combination with a sander. The terms "sander" and "first sanding pad" in Claims 9, 12, 25, and 31 are recited to describe an environment in which the sandpaper dispenser operates only and are not claimed elements of the invention.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 3, 12, 24, 28, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,489,005, issued to Bourdunis (hereinafter "Bourdunis"). Applicant respectfully disagrees with the foregoing rejections.

Applicant notes that Claims 1 and 24 have been amended to recite the limitations recited in Claims 4 and 27, respectively. Inasmuch as the Office Action indicates that Claims 4 and 27 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and since amended Claims 1 and 24 are Claims 4 and 27 rewritten in independent form to include all of the limitations of the base claim and any intervening claims, applicant submits that Claims 1 and 24 and those claims depending thereon are allowable over the cited and applied references. For at least this reason, applicant respectfully requests the withdrawal of the 35 U.S.C. § 102(b) rejections of these claims.

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Claim Rejections Under 35 U.S.C. § 103(a)

Claims 10, 11, 29, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bourdunis in view of U.S. Patent No. 6,083,091, issued to Anderson (hereinafter "Anderson"), or U.S. Patent No. 2,447,5189, issued to Marinsky (hereinafter "Marinsky"). Applicant respectfully disagrees with the foregoing rejections.

Claims 10, 11, 32, and 33 depend from either allowable independent Claim 1 or 24. For at least the same reasons stated above for the rejections of Claims 1, 3, 12, 24, 28, and 30 under 35 U.S.C. § 102(b), applicant asserts that Bourdunis, Anderson, or Marinsky, individually or in combination, fail to teach or suggest each recited element of Claims 10, 11, 32, and 33. For at least this reason, applicant respectfully requests the withdrawal of the 35 U.S.C. § 103(a) rejections of these claims.

New Claims 34-36

New Claims 34-36 have been added to further point out and distinctly claim the novel aspects of the claimed embodiments of the present invention. Applicant submits that the prior art, alone or in combination, does not teach or suggest applicant's claimed embodiments of the present invention as recited in Claims 34-36. Therefore, applicant submits that new Claims 34-36 are allowable over the prior art.

More specifically, Claim 34 is Claim 2 rewritten in independent form including all of the limitations of the base claim and any intervening claims as indicated as allowable in the Office Action. Likewise, Claim 35 is Claim 5 rewritten in independent form including all of the limitations of the base claim and any intervening claims as indicated as allowable in the Office Action. Similarly, Claim 36 is Claim 6 rewritten in independent form including all of the limitations of the base claim and any intervening claims as indicated as allowable in the Office Action. For at least this reason, Claims 34-36 are allowable over the prior art.

Information Disclosure Statement

Applicant respectfully notes that an Information Disclosure Statement was filed concurrently with the above-identified application. However, a copy of the Information Disclosure Statement was not returned to applicant with this Office Action nor with the previous Office Action indicating that the references were considered. Applicant encloses a copy of the originally filed Information Disclosure Statement herewith for the Examiner's convenience and a postcard receipt indicating receipt by the U.S. Patent and Trademark Office on June 25, 2003. Applicant respectfully requests that a copy of the Information Disclosure Statement be returned with all references considered initialed with the next communication to applicant.

CONCLUSION

In view of the foregoing remarks and amendments, applicant respectfully submits that the present application is in condition for allowance. Reconsideration and reexamination of the application, as amended, and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact applicant's undersigned attorney at the number below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
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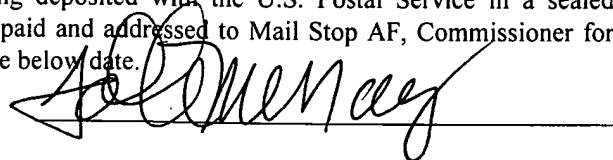
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1490, Alexandria, VA 22313-1450, on the below date.

Date:

BDK:tmm

February 1, 2005



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COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

B. Lopez

Attorney Docket No.: LOPC120896

Title:

SANDPAPER DISPENSER

INFORMATION DISCLOSURE STATEMENT

Seattle, Washington 98101

June 25, 2003

TO THE COMMISSIONER FOR PATENTS:

Applicant is aware of the information listed in the attached form that may be material to the prosecution of the above-identified patent application.

1. X Copies of the listed patents, publications, and other information are enclosed for the Examiner's use.
2. X This Information Disclosure Statement is being filed concurrently with the above-identified application.

Respectfully submitted,

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COPY

INFORMATION CITED BY APPLICANT(S) THAT MAY BE MATERIAL TO THE
PROSECUTION OF THE SUBJECT APPLICATION

Applicant: B. Lopez

Attorney Docket No. LOPC120896

Title: SANDPAPER DISPENSER

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	Document No.	Kind Code	Date (mm/dd/yyyy)	Name
_____	U1	4,275,827		06/30/1981	Cole
_____	U2	4,316,563		02/23/1982	Turner et al.
_____	U3	4,416,410		11/22/1983	Herrmann
_____	U4	4,454,974		06/19/1984	Cooke
_____	U5	4,466,563		08/21/1984	Zuss
_____	U6	4,762,259		08/09/1988	Kosa
_____	U7	4,781,316		11/01/1988	Freeberg
_____	U8	4,858,807		08/22/1989	Cvek
_____	U9	6,092,657		07/25/2000	Hopkins
_____	U10	6,145,771		11/14/2000	Santa Cruz et al.

FOREIGN PATENT DOCUMENTS

NONE

OTHER INFORMATION

NONE

Examiner

Date Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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File No.: LOPC-1-20896

Date: 6/25/03

Atty/Secy: BDK:lls

Nonprovisional

Applicant(s): B. Lopez

Title: SANDPAPER DISPENSER

The following have been received in the U.S. Patent and Trademark Office on the date stamped hereon via Express Mail No. EV315831011US:

Check No. 148973 for \$492.00

Transmittal Letter (2 pages) in duplicate

Specification, excluding claims (9 pages)

33 Claims (5 pages)

Abstract (1 page)

3 Drawings (Figs. 1-3) (3 pages)

Combined Declaration and POA (2 pages)

Request and Certification for Nonpublication (1 page)

Information Disclosure Statement (1 page)

List of Cited References (1 page)

10 References

21910 U.S. PTO

10/606568



06/25/03

ONE